



CERT036PUS

PATENT  
Docket No. 24647-20085.00

## DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROSTHETIC JOINT OF CERVICAL INTERVERTEBRAL FOR A CERVICAL SPINE**

the specification of which is attached hereto unless the following box is checked:

☒ was filed on Feb. 4, 2004 as United States Application Serial No. PCT/EP2004/001029

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
03008127.7	Europe	07/04/2003	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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and:

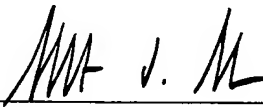
Please direct all communications to:

Barry E. Bretschneider  
Morrison & Foerster LLP  
1650 Tysons Boulevard, Suite 300  
McLean, Virginia 22102


Please direct all telephone calls to Barry E. Bretschneider at (703) 760-7743.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

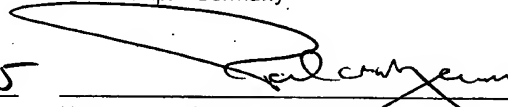
21/11/2005  
Date

  
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21/11/2005  
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Residence: Scoliosis and Spine Center, 7505 Osler Drive, Suite 104, Baltimore, Maryland 21204  
Citizenship: United States of America

**MORRISON & FOERSTER LLP**

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned hereby assign(s), transfer(s) and set(s) over to:

**Cervitech, Inc.**

300 Roundhill Drive  
Rockaway, New Jersey 07866

(hereinafter designated as the "ASSIGNEE"), its successors and assigns, the entire right, title, and interest for the United States in the invention, and all applications for patent and any Letters Patent which may be granted therefor, including said application, and all United States Letters Patent which may be granted thereof, and all divisions, reissues, continuations and extensions thereof, the said interest being the entire ownership of said Letters Patent when granted to be held by said ASSIGNEE, its successors, assigns or their legal representatives, to the full end of the term for which said Letters Patent may be granted, as fully and entirely as the same would have been and enjoyed by Assignor(s) if this assignment had not been made, the application being known by the title:

**PROSTHETIC JOINT OF CERVICAL INTERVERTEBRAL FOR  
A CERVICAL SPINE**

Attorney Docket No.: 24647-20085.00

for which the undersigned has/have executed an application for patent in the United States of America on the same day herewith. Where this instrument is not filed concurrently with the application, the following identifying information may be added after execution:

Serial No.: PCT/EP2004/001029

Filing Date: 4. February 2004

1. The undersigned hereby agree(s) to sign and execute any further documents and instruments which may be necessary, lawful and proper in the prosecution of said above-named application or in the preparation and prosecution of any continuing, continuation-in-part, substitute, divisional, renewal, reexamination or reissue application or in any amendments, extension of interference proceedings, or otherwise to secure the title thereto to the ASSIGNEE.

2. The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property of similar agreements.

3. The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the ASSIGNEE.

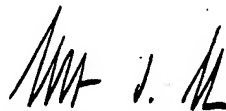
4. The undersigned hereby authorize(s) and request(s) the Commissioner of Patents in the United States to issue any and all Letters Patent resulting from said application or any division or divisions or continuing applications thereof to the said ASSIGNEE.

5. The undersigned hereby grant(s) to the firm of Morrison & Foerster LLP the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREBY, executed by the undersigned on the date(s) opposite the undersigned name(s).

21/11/2005

Date



Typed Name: Helmut D. LINK

21/11/2005

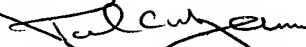
Date



Typed Name: Arnold KELLER

21/11/2005

Date



Typed Name: Paul C. MCAFEE